IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.379 OF 2004
IN
SUMMARY SUIT NO.349 OF 2004

Vijay R. Shukla ....Plaintiff

V/s.

M/s.Ritz Pvt.Ltd. ....Defendant

Mr.A.R. Bamne for the Plaintiff.
Mr.D.G. Rangras for the Defendant.

CORAM : S.J. VAZIFDAR, J.
DATED : 22ND AUGUST, 2005.

P.C. :

1. The suit is filed to recover a sum of Rs.1,18,759=02 in respect of the goods sold and delivered by the Plaintiff to the Defendant as is evidenced by four invoices. The receipt of the goods is acknowledged on the invoices itself. The Plaintiff's letters demanding payment have all remained unanswered.

2. The Defendant contend that the goods were not delivered. Prima-facie, it is difficult to accept its defence, as the letters demanding the payment remained unanswered.

3. Faced with this, it was submitted that the letters were not received. It is difficult to accept this submission either. The letters were forwarded under R.P.A.D.

4. The last defence is that the goods were sold to Ritz Hotel and not to the Defendant. This defence is without any substance. It is clear that the Defendant has been described in various places as Ritz Hotel.

5. In the circumstances, Leave to defend granted to the Defendant conditional upon the Defendant depositing in this Court a sum of Rs.1,20,000/- within eight weeks from today.

6. In the event the Defendant deposits the aforesaid amount, the suit to stand transferred to the list of Commercial Causes. The Defendant to file its written statement within thirty days. Discovery and Inspection within four weeks thereafter.

7. In the event the Defendant fails to deposit the aforesaid amount, liberty to the Plaintiff to apply for further orders.

8. On the said deposit being made, the Prothonotary and Senior Master to invest the same in any Nationalised Bank initially for a period of two years and shall renew the same thereafter for a period of one year from time to time.

9. Summons for Judgment stands disposed of accordingly.